

**BOARD OF HEALTH MINUTES**  
**October 3, 2011**

Marie O'Rourke, Chair, called the meeting to order at 7:00 p.m. Also in attendance were Robert Reader, Vice Chair, Sandra Giroux, Secretary, Daniel Kane, Richard Berube, Director, and Joanne White, Recording Clerk. Mike Grady was absent.

**ACCEPTANCE OF MINUTES**

Mr. Reader made a motion to accept the Meeting Minutes of September 12, 2011. Mrs. Giroux seconded. So voted unanimously.

**BOARD OF HEALTH BUSINESS**

**Health Department Activity Reports**

Mrs. O'Rourke stated the first item under Board of Health Business is the Health Department Activity Reports.

Copies of the Health Department Activity Reports for the month of September have been included in the Boards package.

Mr. Berube stated that he would first talk about Christine West, the Public Health Nurse's report. As requested by the Board, Christine has given the total numbers for all the activities that she performs throughout the month. The Flu Clinics will be held in October. In the report Christine explains that insurance billing is only done for the flu vaccine. Other vaccines are mandated and provided by the Massachusetts Department of Public Health. Christine and Health Agent, Gary Courtemanche worked together on a Salmonella case that was reported by a parent from the Kennedy School. A parent thought that their child had food poisoning from the lunch that was served in the cafeteria at the Kennedy School. Health Agent, Gary Courtemanche investigated the report and found no violations. This is the only case of food poisoning reported from the Kennedy School. Christine is also involved with the Wellness Program for the employees of the town to try to help keep the cost of health insurance down.

Mr. Berube asked the Board Members if they had any questions regarding Christine's report. The Board Members did not have any questions.

Mr. Berube stated the next report is from Health Agent, Gary Courtemanche. Gary has completed 45 total inspections, 3 complaints, 28 routine, 8 re-inspections and 1 site visit for earth migration, 1 Farmers Market inspection, 1 Septic Plan Review, 1 Exterior Grease Trap Plan Review, 1 Lead Paint Determination and 15 Yankee Doodle Vendor Inspections. The Health Department received the revised plans for the Jade Pacific exterior grease trap and a review will be conducted this week. The noise issue at Market Basket, 480 Boston Road has been resolved. The generator causing the excessive noise level at Tev Tech, 100 Billerica Avenue has been relocated behind the building. That problem has been resolved. The first complaint was regarding a hair that was found in one of the steak subs that was purchased at Pizza Mia, 758 Boston Road. Gary investigated the complaint and found no evidence of a violation. The next complaint was regarding illegal dumping behind the Billerica Mall. An order was issued to RD Management. A suggestion was made to put up a fence. RD Management is looking into putting up a fence. Gary received a call from April Laskey, Food Service Director for the Billerica Schools on September 15, 2011 regarding a confirmed case of Salmonella poisoning. It was alleged that the student contracted Salmonella from eating in the Kennedy School cafeteria. Gary talked to Christine West, the Public Health Nurse and she followed up with the student's family. Gary conducted an environmental health inspection at the school and recorded all pertinent information regarding the food that was consumed that day. No other complaints were received to substantiate the complaint.

Mr. Berube asked if the Board Members had any questions regarding Gary's report. The Board Members did not have any questions.

Mr. Berube stated that the next activity report is from Health Agent, Phavy Pheng. Phavy had a total of 45 active cases, 11 cases are new complaints and 12 cases have been closed. 78 Pinedale Avenue is still in probate court. Mr. Mitchell has indicated that he will connect to town sewer when it becomes available. I asked Town Counsel to follow up with Mr. Mitchell's attorney and get it in writing that he will connect as soon as town sewer becomes available. 141 Pond Street has been demolished. Plans for the new septic system have been approved. The foundation has been poured at 32 Sheridan Street. The work is coming along slowly. Some of the volunteers that Mr. Young had lined up for the work backed out. There are a few new cases of junk and debris and a couple of new housing cases. There is a failing septic system at 6 Colby Street. That complaint was forwarded by the Department of Environmental Protection (DEP). We are looking into that situation with the Conservation Commission because there may be some related issues. The bed bug problem at 158 Concord Road is being addressed. The management has arranged for the units to be exterminated.

Mr. Reader asked do they exterminate the whole building or just that one unit.

Mr. Berube explained that they usually exterminate that unit and any surrounding units. Bed bugs are not the fault of the landlord or the management company. Bed bugs are usually brought in by the occupants. Unfortunately the landlord or management company is responsible.

Mr. Berube asked the Board Members if they had any questions regarding Phavy's report. The Board Members did not have any questions.

**MHOA Annual Educational Conference**

Mrs. O'Rourke stated the next item is the MHOA Annual Educational Conference.

Mr. Berube explained that Health Agent, Phavy Pheng, Gary Courtemanche and myself will be attending the Massachusetts Health Officers Association (MHOA) Conference in Springfield on October 26-28, 2011. I will be attending the conference of Wednesday, October 26, Phavy will be attending on Thursday, October 27 and Gary will be attending the conference on both days.

Mrs. Giroux asked is anyone going to the conference on Friday.

Mr. Berube replied that the conference on Friday is about Indoor Air Quality in Skating Rinks for the Zambonies that run on combustible fuel. The Zamboni at the Hallenborg Ice Rink is electric.

Mr. Berube asked if the Board Members had any questions. The Board Members did not have any questions.

**Proposed 2012 Board of Health Meeting Schedule**

Mrs. O'Rourke stated the next item is the proposed Board of Health Meeting Schedule for 2012. Mrs. O'Rourke asked the Board Members if they had any concerns or conflicts with the calendar.

Mr. Berube suggested that the Board Members review the calendar and if there are any conflicts or adjustments that need to be made they can contact the Board of Health office. The Board can vote on accepting the calendar at the November 7, 2011 Board of Health meeting.

**Mosquito Control Program Update**

Mrs. O'Rourke stated the last item under Board of Health Business is the Mosquito Control Report.

Mr. Berube explained that the West Nile Virus (WNV) was detected in mosquitoes in Billerica on September 14, 2011. The mosquitoes were found on Meadowglen Road in the Treble Cove Road area. I contacted Central Mass Mosquito Control (CMMC) and made arrangements to have that area sprayed. A map of that area is included in the Board's package along with a list of the streets that were sprayed. All the residents in that area were notified by Code Red. A copy of the Press Release that was published on September 14, 2011 is also included in the Board's package. We worked with the Recreation Department to notify all Soccer organizations. Usually spraying ends in early September however, it was extended through the month of September because of the mosquito borne viruses throughout the state. The Health Department received numerous complaints regarding the mosquito

activity at the recreational fields. CMMC sprayed the recreational fields a couple of times.

Mr. Reader asked if the Massachusetts Department of Public Health was notified.

Mr. Berube explained that there were no human cases. The WNV was found in a bird biting species which is at a low risk to Billerica. Mr. Berube explained that the residential spraying program has ended due to night time temperatures which lower mosquito activity. When there is a hard frost the mosquito season will end. Mr. Berube asked the Board Members if they had any questions.

The Board Members did not have any questions.

**7:15 p.m. Village at Fox Hollow II – Baldwin Road – Townhouse Project Approval**

Mrs. O'Rourke stated the last item on the agenda is Village at Fox Hollow II, Baldwin Road, Townhouse Project Approval.

Stephen Dresser, provided the Board with a large copy of the proposed plans for the Village at Fox Hollow II and a large copy of the Existing Conditions Plan of the project.

Attorney James Dangora, Sr., Shea, Dangora and Nelson identified himself. Attorney Dangora explained that he was representing the Country Club of Billerica. This project is an extension of the project that was developed a few years ago. The proposal is to construct 21 townhouses. Attorney Dangora pointed to the plans and explained the location of the original development and the proposed development. We had several meetings with the Planning Board and will be meeting with them again on October 24, 2011. The only issue is with the drainage. Stephen Dresser and the town's consulting engineer have been working together to resolve any drainage issues that may have existed. The drainage plans will be ready to present before the Planning Board for their approval. Attorney Dangora asked Stephen Dresser if he would talk about the drainage issues.

Stephen Dresser, Dresser, Williams & Way, Inc. identified himself. Mr. Dresser explained that the proposal is for a 21 unit townhouse development. Mr. Dresser pointed to the plans and showed the low point and explained how a good percentage of the water would be caught in the drainage basin. Nothing from the site drains onto the properties on Ferren Drive. It would drain to the golf course and further down or into catch basins then into an existing detention area and then eventually out to Jones Brook and the Shawsheen River. It is a fairly simple design. There will be an infiltration basin that catches in the center area which allows us to meet the recharge requirements for stormwater management. There will be a series of detention basins at the bottom that catches the water for the attenuation so that there is no increase in runoff. I have met with John Borgesi, the town's consulting engineer on several occasions to work out some of the drainage problems in order to meet the Planning Board and the Board of Health's stormwater management and regulations.

Mrs. O'Rourke asked if this development was being built near the town forest.

Mr. Dresser pointed to the plans and showed the town forest. The development will be built a good half mile away from the town forest.

Mrs. Giroux asked will the cell phone towers be constructed near the project.

Mr. Dresser replied the cell towers will be constructed a quarter of a mile away from the development.

Mrs. O'Rourke asked Mr. Berube for his comments.

Mr. Berube explained that John Borgesi, Project Manager from Woodard and Curran has reviewed the project and will present his comments to the Board. John has worked closely with Steve to address all the comments.

John Borgesi, Woodard & Curran identified himself. Mr. Borgesi explained that he would give a brief summary of what has been done for the Planning Board and what the remaining comments are. Woodard & Curran reviewed the initial submittal for the additional 21 townhouses prepared by Dresser, Williams & Way, Inc. dated April 2011. Based on our initial review Woodard & Curran prepared a comment letter dated June 8, 2011. That comment letter presented our findings and was presented at the Planning Board meeting on June 13, 2011. From the original letter there was a substantial amount of comments that we had regarding the original drainage design and the follow-up calculations that were required to satisfy and address the MassDEP Stormwater Handbook requirements. Based on our initial comment letter Dresser, Williams & Way revised their proposed submittal and submitted updated plans and a drainage report on July 14, 2011. On August 1, 2011 Woodard & Curran, Dresser, Williams & Way and the applicant performed a site visit to walk the site and review the existing drainage and what was updated in the new submittal. Since there were so many concerns regarding the drainage, Dresser, Williams & Way and the applicant wanted to make sure that Woodard & Curran had a good idea of what was going on because some of the abutters were extremely concerned about the proposed drainage system for the Phase II project. Woodard & Curran performed a follow-up review of the revised submittal. On August 30, 2011 Woodard & Curran met with Dresser, Williams & Way to discuss our findings and go over the remaining items of concern. Mr. Borgesi explained that he was looking for confirmation that all comments from the Fire Department and the Department of Public Works have been addressed. In the revised submittal Dresser, Williams & Way had submitted a plan to use the existing cart path as access to the construction site. In talking to Steve Dresser this evening they have modified the plans to use the main access road for the construction equipment. Mr. Borgesi pointed to the plans and showed the move from the cart path to the main entrance. Woodard & Curran is also concerned with the Erosion and Sediment Control Plan. There were some additional calculations that we needed to see. One of the calculations that we needed to see is that the detention pond would drain within 24 hours after a peak storm event and the calculations showing that the infiltration area will infiltrate and drain within 72 hours. Those are requirements of the Stormwater Handbook. We want to see a draft of the Erosion and Sediment Control Plan developed in accordance with Section 6.6.013 of the Board of Health regulations. Mr. Borgesi pointed to the depth of the pond which is four (4) feet and explained that Woodard & Curran made a recommendation to install a fence around the pond for safety

purposes. The detention ponds are located within five (5) feet of the property line and according to the Stormwater Handbook any detention ponds should be located at least ten (10) feet from the property lines. The last is the follow-up administrative paper work with regards to compliance with the Stormwater Handbook. All the other original comments have been addressed in the revised submittal. After meeting with Steve Dresser on September 1, 2011 Steve submitted a follow-up response per our meeting and included all the requested additional calculations that we had gone over. The only outstanding comments are detailed in the final letter dated September 14, 2011. We needed to see the updated drainage calculations because of moving the pond to make sure that the pre and post silt match. Steve has given me those calculations this evening. A follow-up review will be performed and if everything is addressed a final letter will be submitted. We want to see a copy of the Erosion and Sediment Control Plan. Steve stated that he is currently working on the plan. We want to see an updated plan showing that the pond has been moved ten (10) feet and the fence will be installed as discussed. We have no further comments. There was an illicit discharge statement that was submitted and needs to be signed by the applicant before final approval. There are a couple of things Woodard & Curran asked the Planning Board to verify regarding the architectural structure.

Mrs. O'Rourke asked will there be crushed stones in the pond.

Mr. Borgesi replied there will be grass in the pond except for the outlet pipes. It will be maintained and mowed once a year.

Mrs. O'Rourke asked about the infiltration pond.

Mr. Dresser replied it will be all grass. There will be no stones in the pond. The infiltration pond will also be mowed.

Mr. Kane asked will all the runoff go into the detention ponds. Will anything run down?

Mr. Borgesi explained that there is a small area where the silt would runoff. Mr. Borgesi pointed to the plans and explained that all the impervious roof runoff would be collected by the infiltration area against the ponds and the catch basins and then go into the closed system of Phase I.

Mr. Dresser pointed to the plans and explained where and how the infiltration area would work. No impervious area goes into Phase I.

Mr. Kane asked is Phase I capable of handling the additional runoff.

Mr. Borgesi replied that is one of the major things that I wanted to make sure was taken care of. Steve has submitted the calculations showing that the existing structure could handle the additional runoff.

Mrs. Giroux asked how many catch basins will there be.

Mr. Dresser pointed to the locations of the catch basins on the plan. Mr. Dresser replied there would be seven (7) catch basins.

Mr. Reader asked Mr. Dresser where the little part that he said runs off would go.

Mr. Dresser replied it would runoff onto the fourteen (14) hole at the golf course.

Mrs. O'Rourke asked Mr. Berube for his comments.

Mr. Berube explained that the Board approved Phase I development about seven (7) years ago. Since that time the Board of Health Stormwater Management Regulations has been updated so that the Phase II project is being held to a higher standard. Dresser, Williams & Way has done a lot of work with the Board's consultant to ensure that they comply with the Board of Health's current regulations.

Mrs. O'Rourke asked if any abutters were present.

Paul Rahill, 9 Ferren Drive identified himself. Mr. Rahill explained that he has attended the last Planning Board meeting and would like more clarification on why Mr. Borgesi stated that the Phase I runoff did not work that well and if he had designed the plan he would have done it differently.

Mr. Borgesi replied that he would have designed the swale behind one of the buildings differently. It looked like a natural swale that was supposed to carry the water. A homeowner complained that the water stayed in his backyard. During my site walk with Mr. Dresser and the applicant they indicated that perforated pipes and crushed stone were put in. Crushed stone was put in where the water collected and the perforated pipes were put in to channel the flow the way it was supposed to go down the natural channel.

Mr. Rahill asked why would you have done it differently.

Mr. Borgesi explained that he would have done something different with the grading or tried to grade in more of a depression in the soil so that it would channelize better and get the water out.

Mr. Rahill explained that some of his neighbors have been there a long time and there has been a problem with the water table. Seven or eight months out of the year there is a depression and the saturation point is amazing based on what goes on each year. Someone had to approve the Phase I project with the runoff that you are saying that it did not work.

Mr. Borgesi stated it is a combination of things. I did not review the original Phase I plans.

Mr. Rahill asked who designed and approved the plan for Phase I.

Mr. Dresser replied that Dresser, Williams & Way designed the plan for Phase I. There was a swale and it was flat. There were a lot of complaints from the homeowners. The homeowners decided

to put in the perforated pipe and the crushed stone. The homeowners took care of the problem, which cost them a lot of money.

Mr. Rahill stated so Phase I was not built the right way and the homeowners had to pay. So if this plan does not work will the homeowners have some recourse?

Mrs. Giroux asked did the homeowners pay or did the project pay for the crushed stone and perforated pipe.

Mr. Dresser replied this problem occurred during the construction phase so the homeowners took care of the problem themselves. Some people were living there while the construction was going on. There wasn't an as-built at that time. If there was an as-built we would have taken care of the problem.

Mr. Rahill asked so if this problem occurs again is there any accountability. Will that be the same situation again?

Mr. Berube explained that with Phase I we have worked over the past several years to address some of these issues. Mr. Ferren was seeking a Certificate of Compliance and a bond was held. The Certificate of Compliance was not going to be issued and the bond was not going to be released until all the issues related to Phase I were addressed. Working together over the years along with the consultant for Phase I we were able to accomplish that and resolve the problems that came up. Because it took so many years we saw how the system performed and the results were good.

Mr. Rahill stated that he just wanted to make sure that any problems that may occur with Phase II will be taken care of. What is the purpose of a Certificate of Compliance?

Mr. Berube explained that a Certificate of Compliance states that Mr. Ferren has complied with all the conditions of the Board of Health approval.

Mr. Rahill stated that the project has been built why does Mr. Ferren want or need a Certificate of Compliance?

Mr. Berube replied the Board of Health holds a substantial bond on the project. When a project is completed everything is always great. A bond is held to ensure that there are no problems after the entire project is built. Sometimes there are some deficiencies that need to be addressed. Mr. Ferren resolved all those deficiencies.

Mr. Rahill pointed to the plans and asked about the fourteenth (14) hole and the fairway. Is the fairway being adjusted to accommodate this development? Will this be a narrower fairway?



Mr. Dresser pointed to the plans and explained that is not the fourteenth (14) hole it is the tree line that will be left when the project is completed.

Mr. Rahill asked where will the water be running off.

Mr. Dresser pointed to the plans and explained the flow of the water and the location of the fairway and the fourteenth (14) hole.

Mr. Rahill asked what area will be fertilized.

Mr. Dresser replied just where the grass is not the tree line.

Mr. Rahill asked is this runoff going to come into our back yards.

Mr. Dresser replied that none of the runoff is going to go into your back yards.

Mr. Rahill asked how do you know that.

Mr. Dresser replied because you are uphill from the development. Mr. Dresser pointed to the plans and explained how the water flows.

Mr. Rahill asked can you verify that.

Mr. Dresser replied that it has already been verified. We have done ground topography. Mr. Dresser explained that photos are taken to show which way the drainage will flow at the beginning and we make sure that we don't make the situation worse for anyone. That is what we are hired to do.

Mr. Rahill stated so you can see how the rain collects.

Mr. Dresser explained that the topography shows that the water flows downhill.

Mr. Rahill stated our neighbor bought his house before Phase I was built and now he is getting a lot more runoff. His back yard has not changed.

Mr. Dresser replied that he does not know what it was like before. Everybody in that area has stated that historically there is high ground water.

Mr. Rahill stated that in the last three years I have had a lot more flooding in my yard. My topography has changed.

Mr. Berube asked Mr. Dresser if he had a copy of the existing conditions plan.

Mr. Dresser replied yes. Mr. Dresser pointed to the existing conditions plan and explained that Mr. Borgesi and I walked the site because this problem came up at the first Planning Board meeting. Mr. Dresser explained that the drainage is divided perpendicular to the slope downhill onto the fourteenth (14) hole.

Mr. Rahill asked has that been proven.

Mr. Dresser replied yes.

Mrs. O'Rourke asked if any other abutters would like to speak.

Linda Flynn, 27 Ferren Drive, identified herself. Ms. Flynn explained that she has been going through the same situation when they were planning Phase I. I heard at the Planning Board meeting on television that everything is being directed toward the fourteenth (14) hole which is my backyard. We have sink holes in our back yard. We have a lot of water problems. I had to repair my pool. Ms. Flynn stated that the last time she came to a meeting she felt as though no one was listening to her. All I heard was what could be different. The weather hasn't changed why would you get more water than anyone else. The difference is the sprinkler system. The sprinkler system is going rain or shine. The sprinkler system adds more water to an already saturated area and it flows in the direction of my back yard. I get water in my garage that I have never had before. I have a sink hole that I didn't have before. I am too old to be dealing with these kinds of problems. I spent \$11,000 on repairing my pool because all the land is drifting in the direction of my pool. When there is a heavy rain storm I can look out my window and see a river that runs diagonally from the fourteenth (14) green area to my backyard, across my backyard, through the sink hole and into my garage and is now starting to come into my house. I have mold in my garage. I can't keep up anymore. I am throwing everything out.

Mrs. O'Rourke asked Mr. Dresser to show on the plans where Ms. Flynn lives.

Mr. Dresser showed the approximate area of her home on Ferren Drive.

Ms. Flynn explained that she has lived on Ferren Drive since 1972 and has never had a problem before Phase I was built. There was a twenty-five (25) foot drop behind my house into a ravine that had a constantly running brook and it is not there anymore. When they expanded the last nine (9) holes of the golf course the brook was filled in and the land was elevated so that the land on the fourteenth (14) green is higher than our backyard. When Phase I was built everything started to happen.

Mr. Dresser explained that Phase I does not flow that way. There is a swale down by the fourteenth (14) green that runs through the property and the neighbors' yards. It is nothing that the golf course did. Mr. Dresser explained that there is fifty (50) to sixty (60) feet of trees between the fairway and the neighbor's yards. The runoff from Phase I and Phase II does not flow that way.

Mrs. O'Rourke asked Mr. Dresser if he has gone to Ms. Flynn house.

Mr. Dresser replied that he has walked through Ms. Flynn's backyard from Eldora Drive down the entire length of the property. Everything runs through a swale across the fourteenth (14) tee. I am not sure where it goes from there. This development and the Phase I development do not come close to running that way.

Ms. Flynn asked so why are you directing the flow from the new development down the by fourteenth (14) hole.

Mr. Dresser replied there will be less water going down to the fourteenth (14) hole. Phase II is not being directed that way.

Ms. Flynn stated isn't that what I just heard.

Mr. Dresser explained that nothing is being directed that way. The water flows that way now. All the piped water is going to be directed through Phase I down towards the parking lot at the Country Club.

Ms. Flynn commented so this has been a problem in the past the water was coming our way.

Mr. Dresser replied I have not done a drainage study of your yard. I believe that everything flows into that brook.

Ms. Flynn stated that the brook is one hundred (100) feet away from the edge of our backyard.

Mr. Dresser explained that he has not done a study it is not part of this project. It appears that someone has altered that brook.

Ms. Flynn stated that she did not alter the brook.

Mr. Dresser replied that the Country Club did not alter the brook either.

Ms. Flynn stated it is on the Country Club's property.

Mr. Dresser replied that brook is not on their property. The brook flows onto the properties on Ferren Drive.

Mr. Dresser replied that apparently someone did not want that brook in their backyard and they decided to fill it in.

Mr. Reader asked doesn't that fairway slope slightly towards the swale and towards the tee box from the green. Isn't there a bridge that goes over that swale?

Mr. Dresser replied yes on both sides.

Ms. Flynn explained that if you stand on the high point at the fourteenth (14) hole and look to the right and the left our property slopes down. Our property is now lower than the high point of the fourteenth (14) green and it never used to be that way.

Mr. Dresser replied the water flows to the swale that flows away from your property.

Ms. Flynn stated not on a rainy day. It flows diagonally from the golf course across my neighbor's backyard and toward us into what is now a sink hole.

Mr. Dresser replied it is not part of this development. I did not do the study. I walked the site and that does not appear to be the case.

Ms. Flynn explained that she owns about  $\frac{3}{4}$  of an acre. I do not begrudge the Country Club from making money with the land they own however I do begrudge anybody that takes advantage of other people's property to better their own.

Mr. Dresser stated that is not the case with this project.

Ms. Flynn stated that there is a lot of water on a rainy day. Where is it coming from?

Mr. Dresser explained that he is sorry about the water problem. It is my job to make sure that the water problem does not get worse.

Ms. Flynn replied that Phase I made the water problem worse on Ferren Drive how are we to trust that it will not be worse with Phase II.

Mr. Dresser replied Phase I did not make your problem worse on Ferren Drive.

Ms. Flynn explained that she brought her plot plan and the topography chart to the Planning Board meeting and I was just pushed aside. We did a site walk on my land and the golf course. All I heard was it hasn't rained any more in the past twenty (20) years why would it be worse now. The weather hasn't changed but we have sprinkler systems that run whether it rains or not. When was the water study done? Was the study done in August when it tends to be drier?

Mr. Dresser explained that it is a surface drainage study. The study does not have to be performed during a rain storm. The study predicts. I don't doubt that you have a water problem but I don't think it has anything to do with the golf course.

Ms. Flynn stated that she didn't do anything to change it and my neighbors didn't do anything to change it.

Mrs. O'Rourke stated that it appears that it did not have anything to do with the project. Maybe at some point in time the town can take a look at the situation and see if there is anything that can be done. I don't think this problem is coming from this project.

Ms. Flynn stated that she did not have a water problem before this project was built.

Marsha Zichittella, 23 Ferren Drive, identified herself. Ms. Zichittella explained that she thinks the property at 27 Ferren Drive is having more water problems than anyone else in that area. We had a problem with water recently and have never had a problem before. We had water in our basement.

Mr. Berube explained that most of the people in town have had water problems that they never had before. You mentioned that we have not been getting more rain than in the past that is not true. We have seen a change in the weather pattern and seen more precipitation in recent years than in the past and that could be the cause of your problems.

Ms. Zichittella stated since this may relate to the new project maybe an engineer for the town could take a look at our area.

Mrs. O'Rourke stated that she would see if someone could take a look at the area.

Dan Bolton, 53 Baldwin Road, Unit #3 identified himself. Mr. Bolton asked if things were corrected behind building #3.

Mr. Borgesi explained that based on the information that I was told when I conducted the site walk with Mr. Dresser and the applicant they indicated that a dry well was put in behind building #3. There were some drainage issues with the dry well and the perforated pipe was installed to direct the water.

Mr. Bolton replied that the pipe was put in behind building #5. They left a big dry well of gravel in the backyard. A garden was supposed to be made around the area and that never happened. Up on the back hill there is erosion anytime it rains. There is standing water in the backyard. It stands there for 3-4 hours. When it rains the side yard and the backyard are under water. The water from Phase I funnels down. Where is that water going to go?

Mr. Dresser replied that the water gets piped into the basins. The swale was designed to hold water. The erosion is not on the golf course property and it is not runoff. The hill is stabilized above the stone wall.

Mr. Bolton asked Mr. Dresser if he has walked the property and saw the hump in the back yard. That is the erosion that has washed off the hill.

Mr. Dresser explained that he has walked the property and the drainage system works excellent.

Mr. Bolton stated that he has lived there for six (6) years and the drainage does not work. Someone told me that when the perforated pipe was put in, gravel was dumped on top of the pipe and the pipe was crushed. No matter what you do you are still going to have the same problem.

Mr. Dresser explained that the applicant, Mr. Ferren has met with the condo association and he has agreed to make the changes that are necessary. The water flows downhill and collects in the swale. Mr. Peacock put in the perforated pipe and the crushed stone.

Mr. Bolton stated that they never put in any drainage pipes on my property after I moved in. I moved in August 2005.

Mr. Dresser explained that he talked to Mr. Peacock and he told me that he put in the pipe and the crushed stone. It was discussed at one of the meetings that the water was being held for 24 hours. I went out there the day after a heavy rain and the area was dry. Mr. Ferren and I took pictures. The swale is designed to collect water and will be wet for 3-4 hours after the storm. If the swale holds water for only 3-4 hours then it is working.

Mr. Rahill asked Mr. Dresser if he could clarify the statement that was made regarding that Phase I is 50-60 feet away from any of the property owners on Ferren Drive.

Mr. Dresser pointed to the area and explained that he said that the tree line between the fourteenth (14) fairway and the backyards of the property owners on Ferren Drive are about 50 to 60 feet.

Mr. Rahill asked is Phase II going to be the same concept.

Mr. Dresser replied there is twenty-five (25) feet of trees left between the properties.

Mr. Rahill stated so if you live on Ferren Drive and were abutting Phase I you were 50 to 60 feet away from your new neighbors in Phase I.

Mr. Dresser replied no. There is 50 to 60 feet between you and the edge of the fourteenth (14) fairway. Phase I is another couple of hundred feet away.

Mr. Rahill asked so Phase II is only twenty-five (25) feet away from the properties on Ferren Drive.

Mr. Dresser pointed to the plans and explained that the cut line is twenty-five (25) feet from your property because that is what zoning allows. There are significantly more trees left behind your house at 9 Ferren Drive because of the shape of your property.

Mr. Rahill stated so Phase I is at a much lower elevation than Phase II. Phase I is causing a lot of flooding concerns. Phase II is going to be built much higher so the water from Phase II will flow

downhill and there will be no additional problems because you have designed the basins to catch the water and remove it even though it is at a higher elevation.

Mr. Dresser replied yes a higher elevation than Phase I but a lower elevation than your house.

Mr. Rahill stated that most of the runoff that will occur with all the fertilizing chemicals from the golf course lawn will not come into our backyards that are twenty-five (25) feet away.

Mr. Dresser replied that is correct.

Mrs. O'Rourke stated so the runoff that you have with Phase I will not get any better.

Mr. Rahill explained that Mr. Dresser states that he has done a site walk and has designed the project. The problem is not going to be any worse with Phase II. That is good enough for me.

Mr. Dresser explained that he is a Massachusetts Licensed Professional Engineer. I have designed this project using the proper guidelines.

Mr. Rahill explained that he bought his house abutting the golf course because we thought it was a nice backyard. We hear that there are a lot of issues with Phase I.

Mr. Dresser replied there are not a lot of issues.

Mr. Rahill stated that he wants to know what issues the Board of Health is addressing.

Ms. Flynn asked what about the health issues regarding the mold in her garage due to the runoff from the golf course.

Mrs. O'Rourke asked Ms. Flynn if she was sure the runoff was coming from the golf course. How do you know that it is mold in your garage?

Ms. Flynn replied the substance is black and thick.

Mr. Berube stated that it is the homeowner's responsibility to maintain their home.

Ms. Flynn replied that when water is running through our house it is a little difficult to maintain.

Mrs. O'Rourke stated that someone from the Board of Health will go to Ms. Flynn's house at 27 Ferren Drive and look at the situation. Mrs. O'Rourke asked if anyone in the audience would like to ask any questions about the proposed Phase II project.

The audience did not have any further questions.

Mrs. O'Rourke asked the Board Members if they had any questions.

Mr. Kane asked how far out did you go when you did the site walks? Mr. Kane asked about the runoff and the design of the swale.

Mr. Dresser replied the runoff from our site does not drain to the brook. Mr. Dresser pointed to the plans and explained that all our drainage goes away from the brook. The natural grade of the land goes down to the brook that has not been altered. From the topography and being a civil engineer it appears that the brook was altered at the beginning at some point. It does not have anything to do with the runoff from this project.

Mr. Kane stated that there has been an alteration some place.

Mr. Dresser explained that the water from this project does not go down there. Mr. Dresser explained how the water flowed.

Mrs. Giroux asked is it possible to install a pipe for the runoff coming down the side.

Mr. Dresser replied no.

Mrs. Giroux asked is it possible to walk through the brook and see where it is not working properly and make accommodations.

Mr. Dresser replied no because it is wetlands.

Mr. Berube stated that we continue to ask the same questions about the runoff. Mr. Berube asked Mr. Ferren and Mr. Dresser if they would be willing to look at some of these other issues on a rainy day to see if there is anything that could be done and make some conclusions at that point.

Mrs. O'Rourke asked Mr. Ferren and Mr. Dresser if they would be willing to meet with Mr. Berube.

Mr. Dresser and Mr. Ferren agreed to meet with Mr. Berube.

Mrs. Giroux asked Mr. Borgesi is there anything about the changes and revisions that you received tonight that would hinder the Board's decision.

Mr. Borgesi replied that conditions could be made contingent upon everything that has been addressed in the memo dated September 14, 2011. The only critical thing is the drainage calculation because the basin was moved. I need to make sure that the pre and post development did not increase the flow. Prior to final approval documentation from the Billerica Fire Department and the Department of Public Works stating that all comments have been addressed need to be submitted. A copy of the Erosion and Sediment Plan should be provided to the Board.



Mr. Reader made a motion to grant approval of the project and stormwater management for Village at Fox Hollow II, Baldwin Road based on the following findings of fact and pursuant to the following conditions:

**FINDINGS OF FACT**

- 1) The work described in the applicant's request is within an area subject to protection under the Billerica Board of Health's Rules and Regulations, Chapter 6 inclusive.
- 2) The Board of Health conducted a public hearing on October 3, 2011 and properly notified abutters in accordance with Billerica Health Regulations, Chapter 1, Section 1.2.007.
- 3) The applicant proposes to construct Phase II of a townhouse development which will abut Phase I.
- 4) The project was reviewed by John Borgesi of Woodard & Curran, Inc., the Board of Health's Consulting Engineer, for compliance with applicable drainage regulations and the Board of Health Rules and Regulations, Chapter 6.
- 5) The Board of Health will impose reasonable conditions to ensure the project is constructed in accordance with approved plans.
- 6) The Board of Health has determined that the actions proposed by the applicant are adequate measures to protect the public health and environment and complies with the intent of Board of Health Rules and Regulations. Further, approval of the applicant's request will not be detrimental to the public health and environment.

**CONDITIONS**

Standard conditions number 1, 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 in accordance with the Board of Health regulations and Special Conditions:

- A) All construction must be in accordance with plans submitted for review and approval and prepared by Dresser, Williams & Way, Inc. dated April 17, 2011 and revised to July 7, 2011 and stamped by Stephen R. Dresser, RPE#49202.
- B) Condominium/Homeowner's Association documents shall be submitted to the Board of Health for review and approval prior to the approval of any occupancy permits. Said documents must include language covering the association's responsibility for maintaining the drainage system and shall reference the Operation and Maintenance Plan for the drainage system.
- C) The applicant shall satisfy the comments contained in the September 14, 2011 review letter from Woodard & Curran, Inc. that are related to the Board of Health Regulations

Mrs. Giroux seconded. So voted unanimously.

**Open Microphone**

Mrs. O'Rourke asked if anyone was present for open microphone.

No one was present for open microphone.

Mr. Reader made a motion to adjourn. Mrs. Giroux seconded.

The Board adjourned at 8:15 p.m.

Respectfully submitted,

Sandra Giroux  
Secretary

Joanne M. White  
Recording Clerk